

# Order

Michigan Supreme Court  
Lansing, Michigan

August 29, 2006

Clifford W. Taylor,  
Chief Justice

130851

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 130851  
COA: 258261  
Wayne CC: 04-005067

CARLOS DEMARCO FREEMAN,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the February 16, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court for resentencing. The Court of Appeals determined that the defendant's sentencing guidelines were misscored and that the applicable guidelines range was lower than the one within which the defendant was originally sentenced. Under these circumstances, resentencing is required. *People v Francisco*, 474 Mich 82 (2006). On remand, the court shall sentence defendant within the appropriate sentencing guidelines range, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Babcock*, 469 Mich 247 (2003).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

August 29, 2006

*Corbin R. Davis*

Clerk